



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on February 9, 2006 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

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| P James Athearn (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P John Best (E – Tisbury) | - Megan Ottens-Sargent (E – Aquinnah) |
| P John Breckenridge (A – Oak Bluffs) | P Deborah Pigeon (E – Oak Bluffs) |
| P Christina Brown (E – Edgartown) | P Jim Powell (A – West Tisbury) |
| - Carlene Condon (A – Edgartown) | P Doug Sederholm (E – Chilmark) |
| - Martin Crane (A – Governor Appointee) | P Linda Sibley (E – West Tisbury) |
| - Mimi Davisson (E – Oak Bluffs) | - Paul Strauss (County Comm. Rep.) |
| - Chris Murphy (A – Chilmark) | - Andrew Woodruff (E – West Tisbury) |
| - Katherine Newman (A – Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Bill Wilcox (Water Resource Planner)

Chair **Linda Sibley** convened the meeting at 7:40 p.m.

1. WOODLAND CENTER CONDOMINIUM: DRI 39M – PUBLIC HEARING

For the Applicant: Doug Hoehn, engineer; Sam Dunn, owner, architect, developer

Christina Brown, LUPC Chair, opened the public hearing and read the public hearing notice.

1.1 Applicant's Presentation

Sam Dunn explained the background and the proposal:

- He bought the property last May and immediately sold some of the condominiums to existing [occupant] businesses.
- Porches were built on each storefront façade.
- Sidewalks were paved with stamped concrete; planters were added.
- An open-air pavilion was built between the two buildings to give the project a focal point and visual tie. It will have seating and picnic tables and will be open to anyone in the community.
- The parking lot was re-organized and re-paved, creating 20 additional spaces. The entrance was re-organized; the new entrance planter continues to allow traffic going both in and out on either side.

- Each store has been made handicapped accessible and every new bathroom has handicapped access.
- No square footage has been added.
- The greenhouse was built in 1972 and moved to the property.
- The application is to demolish the greenhouse and build retail space with the same footprint.
- The major septic flow is now into FAST systems with denitrification. The Board of Health has approved the addition of the proposed new building to the septic.
- Stormwater runs off into gravel trenches.
- Driveway runoff hasn't changed; most flows to the back of the site.
- A proposal to build a new building at the rear of the site will be presented at a later date in a separate application.
- The exterior lighting is wrong and will be fixed.
- The new sign will be smaller than the existing one.

Linda Sibley asked whether the building Chris Cottrell owns behind those of the applicant's is separate. **Sam Dunn** said the businesses at the back including, Cottrell, the Auto Body Shop and the Brazilian Grocery Store are separate from the condominium complex; the businesses have easements across Woodland. The trucks farther back, under the powerline right-of-way, are used by Hinckleys and come off Lantern Lane.

Linda Sibley asked about the condo association. **Sam Dunn** said he is currently the sole trustee but there will be a takeover event. The condo association owns all the land under the buildings, the structures, parking lot and landscaping, which the association maintains; the condo owners own the interior spaces of their units. He owns the condo unit of the greenhouse. He owns the site of the building in the back separately but there is a provision by which he can bring it in to the association.

1.2 Staff Report

Paul Foley outlined the contents of the staff report.

- The proposal is for a 968 sq. ft., one-story building.
- The site is zoned B-2 commercial.
- It was referred as a concurrence review by Kenneth Barwick, Tisbury Building Inspector. The applicant agreed to go directly to a public hearing rather than await a concurrence review.
- The condominium complex has 17 units. The association bylaws prohibit additional restaurants in the complex through a no compete clause.
- Regional and local issues include traffic, access and circulation, water quality and scenic values.
- There is a landscape plan.
- He summarized a traffic study done by Charles Crevo.
 - The curb cut and entrance layout is potentially dangerous. Traffic circulation on the site is undefined due to the pavement condition and the absence of pavement markings.

- The recommended circulation pattern is to direct inbound vehicles beyond the proposed Building 3 and turn left in a counterclockwise direction to the spaces in front of the three buildings.
- Henry Stephenson, Tisbury Planning Board, recommends a connector road at the back of the property.
- Traffic counts were done by staff and ITE calculations were done.
- Present uses will generate 154 trips per average hour. Some trips will be generated by back businesses. The traffic study outlines the level of service impact.
- He outlined 5 options for access and egress, recommending that traffic go in one side and out the other side of the entrance planter, or that the planter be eliminated altogether.
- The new structure should have a business that is not a high traffic generator.
- The affordable housing policy is not triggered by the project.
- Renovations have improved the streetscape.
- Exterior lighting will be addressed.
- The owner has connected the buildings physically and thematically.

Bill Wilcox reported on wastewater:

- The property is at an elevation of 110 feet.
- The soil is Carver, loamy coarse sand, which percolates well.
- The property is in the zone of contribution of the Tashmoo water supply well. The zone II of the well runs up over the property's right of way. Zone II is the area in which a well draws water under extreme drought and use.
- The applicant worked out an arrangement with the Board of Health to keep the existing flow and denitrify the wastewater because flow exceeded Title 5 in a Zone II.
- The total flow 1,798 gallons per day. The greenhouse contribution is 48 gallons per day.
- The annual nitrogen load from wastewater would be 28.3 kgs per year; Title 5 would have allowed 31 kgs per year. The building replacing the greenhouse would contribute about 0.8 kgs
- Before renovation and Fast systems, the nitrogen contribution was about 52.2 kgs per year.
- Stormwater flows from the impervious parking area towards the back of the property and splits in three directions. Roof water flows off the back into natural soil filtration.
- The roof water filtration trench around the buildings is a plus.
- Stormwater flowing into filtering soil may be somewhat reduced in its nitrogen contribution.
- The nitrogen limit load for Tashmoo Pond Watershed is 12.9 kgs per acre. The total allowance would be 17.6 kgs per year. The total load of the entire Woodland project is about 36.3 kgs per year.

Doug Sederholm asked whether the 1,798 gallons per day is the average flow before the new system. **Doug Hoehn** said that the 1,798 was intended to be the number before Sam Dunn bought the building. The figure is based on Title 5 permitted use. The buildings are on town water but it is not metered.

Jim Athearn clarified that the ideal for Tashmoo Watershed would be 17.6 but the project's flow is actually 36.3. **Bill Wilcox** explained that before the upgrade, nitrogen contribution was over 50 kgs per year; working with the Board of Health, they've created a significant reduction.

Mark London addressed the question of whether the Commission is looking at only the greenhouse site or the whole complex.

- Counsel's opinion is that the entire project is within the Commission's purview because the project had been a DRI before and modifications – such as building a large new structure visible from a main road, even without enclosed space, changing the entrance and parking layout, highly visible lighting, should have been referred to the Commission.
- On one hand, this broader look means that the Commission would look at other changes, especially recent ones.
- On the other hand, the broader look could mean that the Commission considers the recent wastewater improvements. If the Commission just looked at the greenhouse proposal today, there would be a problem in that the complex is already over the Commission's nitrogen-loading limit. However, by looking at the entirety of changes, the Commission can give credit for the fact that the new denitrification system has brought the nitrogen loading down considerably and that, even with the addition, there is a net decrease from the beginning.

Jim Powell said the proposed connecting driveways raise the possibility of tying into surrounding businesses, which would benefit all businesses in the area.

There was a discussion of petrochemicals in the runoff:

- **Linda Sibley** asked about petrochemicals in stormwater. She asked what Bill Wilcox could recommend, within the powers of the applicant, to improve the vegetative uptake of nitrogen and hydrocarbons.
- **Bill Wilcox** said plantings where the pavement ends would act as filters.
- **Linda Sibley** asked whether the power company easement would always remain pervious.
- **Bill Wilcox** said the oils and drippings that aren't water-soluble would stay in the vegetative area. A fancy catch system probably wouldn't be a lot better than what is there now.

Linda Sibley pointed out that the Commission has guidelines for the amount of nitrogen per acre; she asked whether the guidelines take into account smart growth principles and density in business areas. **Bill Wilcox** said guidelines are the same across the watershed; he added that Tashmoo hasn't reached its nitrogen load, but the area seems ripe for smart growth and a wastewater solution, like a package system or an expansion of the treatment plant.

Doug Sederholm asked whether it makes sense to meter water going into the project. **Bill Wilcox** said he would look into existing metering.

Bill Wilcox said water usage of 50 gallons per 1,000 square feet is pretty low for a retail unit.

Doug Hoehn said the Vineyard Hearth and Patio building had a functioning, permitted Title 5 system for a 4000 square foot with 200 gallons wastewater flow per day.

John Breckenridge asked whether a food establishment could go into that building. **Doug Hoehn** said that the building's system meets to the gallon what would be allowed in Zone II, so no change in use to a food establishment would be allowed.

Ned Orleans clarified that flow negotiated with the Board of Health is similar to how flow was negotiated downtown; a change of use would be prevented because the buildings can't go over permitted wastewater use.

Doug Hoehn said it was difficult to establish the number for existing permitted uses on the property. Sam Dunn was not required to put in denitrification units but the Board of Health strongly suggested them because the property was over the Zone II numbers. They filed a covenant at the Registry of Deeds with the 1,798 gallons per day flow and a notation that an up-to-date chart of flow per unit is filed with the Board of Health.

Sam Dunn said the Board of Health approval included the greenhouse building so it is not an addition to the permitted wastewater flow.

Jim Athearn asked for clarification whether the 0.8 kgs means there will be a bathroom in the greenhouse building. **Sam Dunn** confirmed that it did.

1.3 Town Boards

Henry Stephenson, Tisbury Planning Board, said the Board is in agreement with Paul Foley's staff report.

- Traffic and lighting has been handled.
- He is happy that the pedestrian way has been improved and public space has been added.
- Landscaping is improved and he hopes the applicant will look for opportunities to plant more street trees.
- Looking at the rear area, he hopes the applicant can find a way to connect to the Merchant's Mart and make the complex more coherent with other businesses.
- The Planning Board is looking for a way to establish a series of connecting driveways at the rear of adjacent properties to create an alternative to State Road; it may be technically doable at the rear of Woodland over to Merchants' Mart.
- Limiting factors for affordable housing are nitrogen loading and wastewater. The Planning Board would like to see 2nd floor apartments in the area. He asked about finding a strategy for handling wastewater and nitrogen loading in that area to allow for introducing housing in this kind of situation.

Jim Athearn said he liked the idea of pedestrians and bike riders using a back road. He asked if there were plans afoot to get people more safely along State Road. **Henry Stephenson** said they are looking for opportunities to connect merchant areas. **Mark London** pointed out there are sidewalks but curb cuts are very wide; narrowing the curb cuts would help create a more continuous sidewalk.

Christina Brown said the Planning Board is encouraging interior paths. **Henry Stephenson** said there are existing paths. **Sam Dunn** said he and Henry are speaking the same language but he wondered whether adjacent property owners will be so cooperative.

Linda Sibley said changing the Woodland curb cut would be welcome to pedestrians.

Ned Orleans asked whether the Planning Board in Tisbury has thought about any incentives to encourage creation of the rear connector road. **Henry Stephenson** said he has said to Mr. Dunn there are great benefits to the businesses. In the future, the Planning Board might ask the Town at Town Meeting to pay for certain segments of the interior road.

Jim Powell said the more he looks at the Planning Board concept of connecting walkways, the better he likes it as a means to reduce traffic and increase walking; interior walkways will prompt owners to think about pedestrian traffic.

1.4 Commissioners' Questions and Discussion

1.4.1 Traffic

There was a discussion of driver sight lines and the entrance.

- **John Breckenridge** asked whether Charlie Crevo's traffic report made recommendations about plantings and signage and line of sight. **Paul Foley** said there were none for marketing signage but there was a note about the need for proper directional signage.
- **John Breckenridge** asked whether the sign could be placed on the far left or right of the entrance planter.
- **Sam Dunn** said the landscape plan calls for low-growing shrubs and grasses, probably 6 ft. high; he said the sign could be moved towards the rear of the planter if it stays.
- **Linda Sibley** said she has never found the existing sign to be a problem; the sight line problem is around the curve on State Road.

Sam Dunn said he is intrigued by the suggestion of counter-clockwise circulation in the parking lot and is willing to try it.

Mark London outlined Crevo's options and recommendations in more detail. Crevo strongly recommended against the existing situation with in and out traffic on each side of the planter; with in traffic on one side and out traffic on the other, there is no need for such wide driveways and curb cuts. Narrowing at least the entrance and possibly also the exit drive would be desirable. The best solution would be to have a simple two-way road either next to or instead of the existing planter. There was a discussion of the pros and cons of these options. **Sam Dunn** said he's willing to try single-lane access and two-lane egress and counter-clockwise traffic circulation with marked pavement; he will try it by the end of April when the second coat of paving is done. **Christina Brown** said the Commission would consider the application to now include that offer.

1.4.2 Exterior Lighting

Sam Dunn proposed to tint, screen, or paint the recently installed fluorescent lights, which he agreed were unacceptable.

Mark London noted that the current lighting on building 2, which has no exterior lights, appeared to be more than adequate. He asked whether any exterior lighting was needed in that

the walkways are well lit from the interior light coming out of the store windows. Perhaps a few very small lights could be used to provide minimal security lighting for those rare instances where some stores are open and others were closed and had all their lights out.

Linda Sibley suggested that security lighting be on timers.

Christina Brown asked the applicant to come to the next meeting with an exterior lighting plan.

1.4.3 Design

Jim Athearn asked, for the record, whether the new building would be unpainted white cedar wood shingles. **Sam Dunn** confirmed that it would be, and also confirmed that the footprint is the same but the building will be moved approximately two feet to get it out of the powerline easement.

1.4.4 Landscaping

Linda Sibley asked to have the landscaping plan on the record; the planters will hold honey locusts and hydrangeas. She said the Planning Board representative mentioned the importance of restoring the streetscape. She suggested that the applicant plant American Liberty Elms along the road.

Christina Brown clarified that the applicant will bring the modified lighting and landscaping plans to the continuation of the public hearing.

Linda Sibley said that what the applicant has already done is attractive.

Christina Brown thanked Henry Stephenson from the Planning Board and closed this session of the public hearing; the hearing will remain open until the February 16th meeting for purposes of receiving written testimony and will be closed then without taking further oral testimony.

2. OPEN SPACE GUIDELINES

Linda Sibley reported that LUPC unanimously recommended that a Commission meeting be scheduled for review of open space guidelines as the sole or primary agenda item. It is important that Commissioners attend the meeting because open space is often an extremely important part of DRI deliberations.

Ned Orleans was charged with coming up with definitions of terms related to guidelines; he will send Commissioners an e-mail with definitions to use as a dart board for discussion.

Christina Brown reminded Commissioners that the DRI checklist would be discussed at LUPC on the first Monday of every month.

3. OTHER

3.1 Next Meeting

Mark London noted that there was a heavy agenda next week, including three concurrence reviews:

- 117 Beach Road,

- Vineyard Assembly of God is proposing a parsonage; it will be narrower and a little bit lower than the existing church building; it will look like an extension;
- Lookout Tavern is proposing a second level; they scaled back the project from a demolition to a 950 sq. ft. addition so they could be a concurrence item before the MVC. The Cottage City Historic District has approved the project. A site visit is scheduled for Thursday, February 16th at 8:30 a.m.

3.2 Energy Committee

Donna Stewart needs the list of people who volunteered to be on the Energy Committee.

3.3 February 16th Commission Meeting

Jim Powell suggested starting next week's meeting at 7:00 p.m. Commissioners agreed.

The meeting adjourned at 10:35 p.m.

Linda B. Sibley
Chairman

Sept 21, 2006
Date

Clerk-Treasurer

Date